

MAR 16 2007

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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
RSCT.P002

In re Application of: Steven A. Daniel et al.

Application No.: 10/800,451

Filed: March 16, 2004

For: Thermal Coagulation of Tissue During Tissue Resection

The owner*, Resect Medical

except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/335,295, filed on January 16, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record. Reg. No. 42,807

Signature

March 16, 2007

Date

Richard L. Gregory, Jr.
Typed or printed name(408) 342-1900
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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